

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Richard Brakebill, Deloris Baker, Dorothy  
Herman, Della Merrick, Elvis Norquay,  
Ray Norquay, and Lucille Vivier,  
on behalf of themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity  
as the North Dakota Secretary of State,

Defendant.

**NOTICE OF APPEAL**

**Case No. 1:16-CV-00008**

.....

Notice is hereby given that Defendant Alvin Jaeger, in his official capacity as the North Dakota Secretary of State, appeals to the United States Court of Appeals for the Eighth Circuit from the Order Granting Plaintiffs' Motion for Second Preliminary Injunction In Part entered in this action on the 3rd day of April, 2018 (ECF Doc. No. 99).

The defendant appeals the part of the order that: (1) enjoins the defendant from enforcing the current residential street address requirement at N.D. Cent. Code § 16.1-01-04.1(2)(b); (2) enjoins the defendant from enforcing N.D. Cent. Code § 16.1-01-04.1(3)(a)(2); (3) enjoins the defendant from enforcing N.D. Cent. Code § 16.1-04.1(3)(b)(5); (4) requires the defendant to provide clarification as to the meaning of N.D. Cent. Code § 16.1-01-04.1(5); and (5) requires the State to launch a state-wide pre-election campaign to inform voters of the ID requirements.

This appeal is taken pursuant to 28 U.S.C. § 1292(a)(1).

Dated this 4<sup>th</sup> day of April, 2018.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: /s/ James E. Nicolai  
James E. Nicolai  
Deputy Solicitor General  
State Bar ID No. 04789  
Office of Attorney General  
500 North 9<sup>th</sup> Street  
Bismarck, ND 58501-4509  
Telephone (701) 328-3640  
Facsimile (701) 328-4300  
Email [jnicolai@nd.gov](mailto:jnicolai@nd.gov)

Attorneys for Defendant.